

REMARKS

Claims 1-48 are pending in the subject application. Claims 1-17 are currently pending in the application. Claims 18-40 stand withdrawn as directed to non elected subject matter. Claims 1, 3, 7 and 10-13 have been amended to remove any non elected subject matter from the claims. Specifically, claims 1, 3, 7 and 10-13 have been amended to recite only elected subject matter as described by the Examiner on Page 3 of the office action (See, amendments to X, R¹ and R², R⁴, and R⁵ and R⁶). These amendments further include the removal of heterocyclic rings from R² as was further clarified in a teleconference between the Examiner and Nicholas J. DiCeglie, Jr., Agent for Applicant, on January 16, 2007. No new matter has been introduced by the instant amendments. Claims 41-48 have been canceled without prejudice.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Objections to the Claims

Claims 1-17, 41, 42 and 44 stand objected to as containing non-elected subject matter. By this amendment, Claim 1 has been amended to recite only elected subject matter. Each of claims 2-17 depend from claim 1. No additional amendment to claims 2-17 is necessary. Claims 41, 42 and 44 have been cancelled without prejudice. Thus, Applicants respectfully request withdrawal of the objections to claims 1-17.

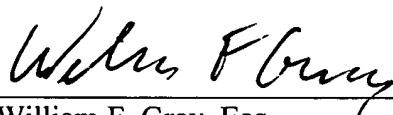
Rejoinder of Method claims

Claims 18-40 relate to methods of treating various diseases or methods of stimulating insulin secretion in a subject comprising administering a compound of claim 1. As such, method of use claims 18-40 are commensurate in scope with the present product claims. Since claim 1 is presently in a condition for allowance, Applicants respectfully request rejoinder of method of use claims 18-40 in accordance with M.P.E.P. 821.04 and *In re Ochiai*, 71, F.3d 1565 (Fed. Cir. 1995).

CONCLUSION

In view of the amendments and remarks made herein, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. Please charge any required fee or credit any overpayment to Deposit Account No. 04-1105.

Respectfully submitted,



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